Supreme Court, U.S.
FILED

01-250 JUN 11 2001

OFFICE OF THE

Docket #_____

In The
Supreme Court of the United States

William P Haley: pro se
Petitioner

v.

Chesapeake's Public school system: Chesapeake's Division of the State School Board of Virginia, et al,

Respondent

On Petition for Writ of Certiorari
To The United States Court of Appeals
For The Fourth Circuit

Petition for Writ of Certiorari

William P Haley: pro se
3104 Hancock Dr.
Chesapeake, Va 23323
(757) 485-7480

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16 pp

Question Presented

1. Does a citizen have standing and is a case justiciable in a suit in which the plaintiff challenges the Federal Constitutionality (First and Fourteenth Amendments (view point discrimination, religious clauses, free association clause, due process and equal protection clauses and parental rights)) of a state program funded by city, state, and federal taxes, where the requested relief is that the state program be declared unconstitutional and enjoined, and where the plaintiff alleges injury in each of the following statuses, as a taxpaying citizen, as a parent of a child of eligible school age, as a student (years 1973-1989), as a member of a church and on behalf of my children?

2. Was the district court wrong in not ordering a temporary injunction as requested?

Parties to the Fourth Circuit Proceedings

I William P Haley, am the only plaintiff - Petitioner. The full list of Defendants in the District Court and the Fourth Circuit is listed below.

1. Chesapeake's Public school system: Chesapeake's Division of the State School Board of Virginia
2. Superintendent Dr. Randolph Nichols of the Chesapeake public Schools
3. Governor of Virginia, James S Gilmore, III
4. Attorney General of Virginia
5. Virginia's Secretary of Education Wilbert Bryant
6. Commonwealth of Virginia, Board of Education
7. Commonwealth of Virginia
8. Jo Lynne DeMary, State Superintendent of Public Instruction
9. United States of America
10. President of United States of America
11. America's Secretary of Education
12. Attorney General of America
13. City of Chesapeake, Virginia
14. Chesapeake's Mayor, William Ward
15. Chesapeake City Attorney, Ronald s Hallman
16. City Manager, Chesapeake Virginia, John L. Pazour

Corporate Disclosure Statement

I am an individual without ties to or support of any corporation, any organization or any company.

Petition for Writ of Certiorari

Petitioner, William P Haley respectfully request that a Writ of Certiorari be issued to review the Judgment and opinion of the United States Court of Appeals for the Fourth Circuit, entered in the Above-entitled proceeding on March 27, 2001

Orders and Opinions of The Courts

On October 16, 2000, District Judge Morgan ordered my case dismissed. Case No. 2:00cv520 In the United States District Court for The Eastern District of Virginia, Norfolk Division (App.11)

On November 9, 2000, District Judge Morgan denied my motion for reconsideration.(App.4)

On March 27, 2001, the United States Court of Appeals for the Fourth Circuit affirmed the district judge's decision without comment, before Circuit Judges Wilkins, Luttig, and Michael. Case no. 00-2491 (App 1)

Statement of Jurisdiction

The Judgment of the United States Court of Appeals for the Fourth Circuit was entered March 27, 2001. The jurisdiction of this Court to review the Judgment of the Fourth Circuit is invoked under U.S. Code : Title 28, Section 1254

Federal Constitutional Provisions

Amendment One and Amendment Fourteen of the United States Constitution apply in this case. Please look at (App. 18-21) for a more detailed look.

The public education laws: (Virginia Constitution

Article VIII), (Virginia code 22.1), (Virginia code: Title 23- Educational Institutions), (Federal law: Elementary and secondary education act), (Chesapeake Charter chapter 10)

Statement of the Facts of the Case

My Relief

In the defendants' motion to dismiss 8-10-2001, they misinterpreted what I asked the court to order as my relief. In these motions the defendant asserted that I asked the court to amend the Federal Constitution and implement a new program. I did not! I throughly clarified that I only asked the court to declare the laws in question unconstitutional and enjoined (Motion Opposing Dismissal: 8-21-2000). I wrote in part, "*I simply ask the court to enjoin the entire educational system.*" I also stated, "The "*City" states that I ask this court to amend the federal constitution. I DID NOT*!"

On 10-16-2000 the District Judge dismisses my suit and writes in relevant part, "FINDS that this action raises a political question and that this action is not justiciable in federal court. ...The court FURTHER FINDS that Plaintiff lacks standing..." The Judge in this Order also falsely asserts that I asked the court to amend the Federal Constitution and implement a new program.

In my Complaint I wrote a list of what I requested. (App 24) I clearly stated that, *clear*

guidelines or tests of Constitutional law, were similar to the lemon law and many others guidelines and tests given by the courts.

I do give suggested "tests of Constitutional law" but do not ask the court for those in specific. I also gave a sample education program in which state interests are fulfilled and rights kept by parents. I gave the sample program as a comparison to the current program in light of the Constitutional law that states that if a state has high interests and must infringe on rights, than laws must minimize the infringements. In the suit, I led into the description of the sample program with a quote from 'Wisconsin v. Yoder 406 U.S. 205 (1972)',(App. 23)

In conclusion, I did ask that the questioned laws be found unconstitutional and enjoined. Since all requests for relief must be taken separately and I oppose all other interpretations of requests asserted by the Judge, the question of justiciability and standing must be looked at with the requested relief being that the state program be declared unconstitutional and enjoined.

My Case

I submitted this suit in District Court on July 14, 2000. (App 18) is the main section of my suit. (App 26) is the section title 'Jurisdiction, Standing and Injury' goes into to detail of my injury and is most relevant to this 'Writ'. (APP 52) Is a section titled 'On the SCALES OF Justice' that details what I am challenging. (APP 34) Is a section titled 'Rights'

that gives details of how parents do not have control in Public Schools and how parents are heavily influenced to put their children in public schools. (APP 54) Is a section titled 'case studies' that goes into detail of many school / establishment / Fourteenth Amendment cases and examines how the public schools measures up to the tests of constitutional law listed in those suits.

Jurisdiction of The First Instance

28U.S.C. Section 1331 and section 1343(a(3))

Reasons for the Allowance of the Writ

Rule 10(a) applies to this case.

It is very settled law that state educational programs are challenged in Federal court.

It is very settled law that parents, taxpayers, members of a church, students and parents on behalf of their children have standing when they are injured in the manner alleged.

The Political Question Doctrine

The Supreme Court gave many criteria and tests of constitutional law relating to the listed rights. When one tests the public school laws to those criteria, one can come to no other conclusion than egregious and irrefutable violations of the listed constitutional rights. Please look at 'Case Studies' (APP 54)

The fact that <u>there are</u> these tests of constitutional law dealing with educational programs violating fundamental rights and the fact that the questioned laws can be tested proves the federal courts can and must if asked, judge the laws

in this case. Therefore the political question doctrine should not be a question in this case. As far as I can
tell, the political question doctrine was not in question in any of the cases listed in my suit.

CONCLUSION

The question of justiciability and standing are so established that this case is more about not allowing District and Circuit Judges the ability to dismiss a legitimate case.

Consideration of the Second Question Presented

It is a fact that parents have a right to direct the educational upbringing of their children and have control of the atmosphere and environment the academic education is administered in, in short what is inculcated in them. It is also a fact that government only pays for government run schools. If parents send their children to a government run school, they cannot exercise that right. Therefore, the main federal question of my suit, among others is the following. Is it Federally Constitutional for a state program to require the relinquishment of fundamental rights to acquire a public benefit.

In Conclusion, if the answer to the federal question just listed is no, then an injunction is warranted.

Respectfully submitted

William P Haley
3104 Hancock Dr.
Chesapeake, Va 23323
(757) 485-7480

William
8-7-01
Haley

APP 1

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-2491

WILLIAM P. HALEY,

Plaintiff - Appellant,

versus

CHESAPEAKE'S PUBLIC SCHOOL SYSTEM; RANDOLPH NICHOLS, Doctor, Superintendent of the Chesapeake Public Schools; JAMES S. GILMORE, III, Governor of Virginia; MARK L. EARLEY, Attorney General of Virginia; WILBERT BRYANT, Virginia's Secretary of Education; COMMONWEALTH OF VIRGINIA DEPARTMENT OF EDUCATION; COMMONWEALTH OF VIRGINIA; JO LYNNE DEMARY, State Superintendent of Public Instruction; UNITED STATES OF AMERICA; BILL CLINTON, President of the United States of America; RICHARD W. RILEY, America's Secretary of Education; JANET RENO, Attorney General of America; CITY OF CHESAPEAKE, VIRGINIA; WILLIAM WARD, Chesapeake's Mayor; RONALD HALLMAN, Chesapeake City Attorney; JOHN L. PAZOUR, City Manager of Chesapeake, Virginia,

Defendants - Appellees.

APP 2

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Henry C. Morgan, Jr., District Judge. (CA-00-520-2)

Submitted:March 22, 2001 Decided:March 27, 2001

Before WILKINS, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William P. Haley, Appellant Pro Se. Mark L. Earley, Attorney General, Ronald Curtis Forehand, Senior Assistant Attorney General, Ashley Lionel Taylor, Jr., Assistant Attorney General, Alton Andrew Martin, Alison Paige Landry, Rita R. Woltz, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia; Kent Pendleton Porter, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia; Darlene Paige Bradberry, BREEDEN, SALB, BEASLEY & DUVALL, Norfolk, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER curiam:

William P. Haley appeals the district court's order denying his motion for reconsideration of the court's order denying relief in his civil action. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm on the reasoning of the district court. Haley v. Chesapeake's Public School Sys., No. CA-00-520-2 (E.D. Va. filed Nov. 9, 2000; entered Nov. 13, 2000) . We deny as moot Haley's motion to expedite the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

App 4

UNITED STATES DISTRICT COURT

Eastern District of Virginia

Norfolk Division

Filed NOV - 9, 2000 Clerk U.S. District Court
Norfolk, VA

WILLIAM P. HALEY,

Plaintiff,

v. JUDGMENT IN A CIVIL CASE

Civil Case Number: 2:OOcv520

CHESAPEAKE'S PUBLIC SCHOOL SYSTEM, et al.,

Defendants.

[ ]**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[X] **Decision by Court.** This action came to decision before the Court. The issues have been decided and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that plaintiff's Motion for Reconsideration of the October 11, 2000 Order of Dismissal is DENIED.

November 9, 2000

NORMAN H. MEYER, CLERK

BY Delores S Mason, Deputy Clerk

App 5

UNITED STATES DISTRICT COURT
FOR THE Eastern District of Virginia
Norfolk Division

Filed NOV - 9, 2000 Clerk U.S. District Court
Norfolk, VA

WILLIAM P. HALEY,
Plaintiff,

v.

Case ACTION NO: 2:OOcv520

CHESAPEAKE'S PUBLIC SCHOOL SYSTEM, et al.,
Defendants.

ORDER

On July 30, 1999, Plaintiff, William P. Haley, moved this Court to declare Article VIII of the Constitution of the Commonwealth of Virginia and Section 22.1 of the Code of Virginia unconstitutional. By Order dated November 30, 1999, the Court dismissed the action for lack of standing and justiciability. The Court denied Plaintiff's motion to reconsider by Order dated January 10, 2000. The Fourth Circuit affirmed the dismissal. Haley v. Virginia, 210 F.3d 361, 2000 WL 338986 (4th Cir. March 30, 2000). On June 14, 2000, Mr. Haley brought a second action, essentially the same as his previous action. Mr. Haley restyled his original case to include other defendants and additional challenges to the Federal Elementary and Secondary Education Act, 20 U.S.C. §§ 7301-7373, and "Chesapeake Charter

chapter 10." By Order dated October 11, 2000, this Court again dismissed for lack of justiciability, in that the complaint raises a political question, and lack of standing. On November 3, 2000, the Plaintiff moved this Court to reconsider its Order of Dismissal.

The motion to reconsider makes a number of arguments. First, Mr. Haley avers that he did not specifically ask this Court to adopt his proposed constitutional amendment, merely to enjoin the current public school system, so as to allow the legislature to implement a new system. He proceeds to analyze Baker v. Carr, 369 U.S. 186, 217 (1962), asserting that it supports permitting his action to proceed to trial. Mr. Haley, then, addresses the four categories of political questions his action that this Court found implicated in its Order of Dismissal. He iterates his claims of injuries and standing before this court. Finally, Plaintiff points to cases in which the federal courts have involved themselves in school systems as a counterpoint to the Court's language in its Order of Dismissal that a federal court should only under extraordinary circumstances overrule a state's educational policies. The Court shall briefly consider the above arguments.

Plaintiff's principal defense to the application of the political question doctrine to his action is his contention that he merely sought an injunction of the educational system in order to permit the legislature

to create a new system, not the adoption by this Court of his proposed constitutional amendment discussed in the "solutions" section of his complaint. Plaintiff relies heavily on this distinction in his consideration of the application of the Baker v. Carr guidelines to his case. But, Plaintiff erroneously concludes from the Court's prior opinion that "[s]ince the Judge states that my proposed relief made my case non justiciable, then the better understanding of what my relief is should extricate these four formulations from my case." (Mtn. to Reconsider at *2). The Court actually held in its Order that "Petitioners' proposed relief, or `solutions,' makes the case for non justiciability in its proposal of an amendment making school voucher plans a federal constitutional requirement and the above far-ranging constitutional tests without equal in federal jurisprudence." (Order of Dismissal at 4) (emphasis added).

The Court, however, simply focused on the most glaring defect but by no means the only defect. Furthermore, though in his motion to reconsider the Plaintiff now disavows the portion of his complaint that advocates a new constitutional amendment, in the complaint, under the section entitled "What I ask this Court," Mr. Haley's first request reads as follows: "I would like the public schools laws ...declared unconstitutional and clear guidelines or tests of Constitutional law written to instruct states on how they may proceed." (Complaint at *5)

(emphasis added). Clearly, Mr. Haley's complaint sought more relief that a mere injunction, though even such a finding would not remove this action from the realm of the political question.

Plaintiff also provides a section entitled "a better look at Baker v. Carr [sic]" pointing to language that ultimately reflected the Court's determination that a political question was not implicated in that case. Baker, 369 U.S. at 232. Though the Court in Baker v. Carr did not conclude that the facts at bar presented a political question, the opinion provided guidance for the lower courts in determining when a political question is presented by a particular set of facts. Applying those guidelines to facts that in no way relate to the apportionment of state legislators at issue in Baker, the Court has found that the Plaintiff's case does indeed raise a political question.

Plaintiff's arguments relating to standing, raise no new issues, but simply iterate the language of the complaint, already considered three times by this Court in both orders of dismissal and Plaintiff's motion for reconsideration in his first action.

Finally, Plaintiff cites cases to counter the Court's statement that"only in rare exceptions would this Court, a federal district court, interfere in a state's educational policies, for it is well established that education is a traditional concern of the States." (Order of Dismissal at 4). Plaintiff points to five cases that span from 1925 to 1995. This argument is without merit.

For the above reasons, the Court DENIES the Plaintiff's request to reconsider its October 11, 2000 Order of Dismissal. The Court dispenses with oral argument because the facts and legal contentions are adequately presented in the materials before it and argument would not aid the decisional process, accordingly Plaintiff's motion for a hearing is DENIED.

The Petitioner is advised that he may appeal from this final order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within thirty (30) days from the date of this order.

The Clerk is REQUESTED to send a copy of this **ORDER** to the Petitioner, all counsel of record, and any named defendants yet to make an appearance.

It is so **ORDERED.**

HENRY COKE MORGAN, JR.
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
November 9 , 2000

App 10

AO 450 (Rev. 5/85) Judgment in a Civil Case

UNITED STATES DISTRICT COURT

-----Eastern-----District of -------- Virginia----------

Norfolk Division

Filed Oct 16, 2000 Clerk U.S. District Court

Norfolk, VA JUDGMENT IN A CIVIL CASE

WILLIAM P. HALEY,

Plaintiff,

v.

Case number: 2:OOCV520

CHESAPEAKE'S PUBLIC SCHOOL SYSTEM, et al.,

Defendants.

X **Decision by Court**. This action came for decision before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that this action raises a political question and that this action is not justiciable in federal court. The Court DISMISSES this action. The Court GRANTS the motion to dismiss. The Plaintiff's Motion for Action is rendered MOOT. The Plaintiff's motions for a hearing is DENIED.

Norman H. Meyer, Jr. Clerk

Date October 16. 2000

(By) Betty E. Heck, Deputy Clerk

App 11

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

WILLIAM P. HALEY,
Plaintiff,
v. **CIVIL ACTION NO. 2:OOcv520**

CHESAPEAKE'S PUBLIC SCHOOL SYSTEM, et al.,
Defendants.

ORDER OF DISMISSAL

I. Factual and Procedural Background

On July 30, 1999, Plaintiff, William P. Haley, moved this Court to declare Article V111 of the Constitution of the Commonwealth of Virginia and Section 22.1 of the Code of Virginia unconstitutional. On November 30, 1999, the Court found that the Petitioner had suffered no concrete injury, that he lacks standing, and that this action is not justiciable in federal court. The Court dismissed this action by Order dated November 30, 1999. See Haley v. Virginia, No. CA-99-1204-2 (E.D. Va. Nov. 30, 1999). The Court then denied a motion to reconsider by Order dated January 10, 2000. See Haley v. Virginia, No. CA-99-1204-2 (E.D. Va. Jan.

10, 2000). Mr. Haley took his appeal, and the Fourth Circuit affirmed. Haley v. Virginia, 210 F.3d 361, 2000 WL 338986 (4th Cir. March 30, 2000).

On June 14, 2000, Mr. Haley brought a second action in this court. Mr. Haley restyled his original case, which named only the Commonwealth of Virginia and Governor James S. Gilmore, III, to include numerous other federal, state, and local officials and entities. As in his first action, Mr. Haley moves this Court to declare Article VIII of the Constitution of the Commonwealth of Virginia and Section 22.1 of the Code of Virginia unconstitutional, as well as the Federal Elementary and Secondary Education Act, 20 U.S.C. §§ 7301-7373, and "Chesapeake Charter chapter 10." (Complaint at *2). This second action also includes a specific section entitled, "Jurisdiction, Standing and Injury" to address the perceived defect of his prior action.

II. **Discussion**

It is clear that the Plaintiff feels passionately about this issue, having dedicated significant time and resources into pursuing this matter. Such dedication to a cause is in the noblest spirit of our founding fathers. But, this Court must in that same spirit dismiss this action. The Framers of the Constitution established three co-equal branches of government. Over the years the Courts have developed doctrines to prevent one branch from usurping the power of the other branches and

throwing the delicate balance out of order. The judiciary, as one of the equal branches, must exercise restraint to prevent itself from usurping other branches' powers, lest the guardians of the Constitution become the threat to the Constitution.

One such doctrine developed to effectuate this end, the "political question doctrine" requires courts to refrain from taking jurisdiction over actions involving impermissible political questions that must proceed through the legislative process. In Baker v. Carr, 369 U.S. 186, 217 (1962), the Supreme Court identified six hallmarks of political questions, any one of which may carry a controversy beyond Justiciable bounds: (1) a textually demonstrable constitutional commitment of the issue to a coordinate political department; (2) a lack of judicially discoverable and manageable standards for resolving it; (3) the impossibility of deciding without an initial policy determination of a kind clearly for non judicial discretion; (4) the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; (5) an unusual need for unquestioning adherence to a political decision already made; or (6) the potentiality of embarrassment from multifarious pronouncements by various departments on one question. Only one is necessary, but the first four of those six political question situations apply to the Petitioner's case.

As this Court discussed in its Order dated January 10, 2000 denying Mr. Haley's motion to reconsider, "the proper forum for the Petitioner's complaint is the state house, not the federal court." Haley v. Virginia, No. CA-99-1204-2 (E.D. Va. Jan. 10, 2000). Mr. Haley proposes monumental changes in the Virginia school system and a federalization of all schools systems by way of his proffered remedies. As in the previous action, Mr. Haley proposes his "Better Choice" federal constitutional amendment, essentially a voucher plan. Beyond the constitutional amendment, Mr. Haley proposes other "Tests of Constitutional Law" that this Court should adopt, including the following: "First, all funds have to pass directly through the parents control without influence of the religious environment [sic] of the academic education. Second, secular academics results are the sole criteria a state can use is distributing educational funds. Third, every level of government must provide an equal monetary benefits [sic] to all those they govern, regardless of the students [sic] educational expense." (Complaint at * 14). Mr. Haley seeks to federalize education throughout the country through his proposed federal constitutional amendment and vast federal constitutional tests.

Petitioners' proposed relief, or "solutions," makes the case for non justiciability in its proposal of an amendment making school voucher plans a federal constitutional requirement and the above farranging

constitutional tests without equal in federal jurisprudence. Article V of the Constitution establishes the procedure for amendments: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments..." U.S. Const. art V. Likewise, only in rare exceptions would this Court, a federal district court, interfere in a state's educational policies, for it is well established that education is a traditional concern of the States. See Milliken v. Bradley, 418 U.S. 717, 741-742 (1974); Epperson v. Arkansas, 393 U.S. 97, 104 (1968). The Supreme Court has held that with regard to schools "we have a particular duty to ensure that the federal-state balance is not destroyed." United States v. Lope, 514 U.S. 549, 580 (1995) (citing Rice v. Santa Fe Elevator Corp., 331 U.S. 218, 230 (1947) and Florida Lime & Avocado Growers, Inc. v. Paul, 373 U.S. 132, 146 (1963)). In Rice, the Court held that "we start with the assumption that the historic police powers of the States" are not displaced by a federal statute "unless that was the clear and manifest purpose of Congress." Rice, 331 U.S. at 230. This Court does not lightly overrule state statutes, much less will it wholesalely displace numerous state and local statutes and policies, as proposed by Petitioner. Unquestionably,the claims and proposed relief

of this action render it non justiciable. Accordingly, this Court **FINDS** that this action raises a political question and that this action is not justiciable in federal court. For this reason, the Court **DISMISSES** this action. The **Court FURTHER FINDS** that Plaintiff lacks standing for the same reasons this Court articulated in its dismissal of the Petitioner's first action by Order dated November 30, 1999. The Court has focused on the political question doctrine for the benefit of the Petitioner, as no restyling of the case can cure the fundamental defect of this action in that the remedies sought are beyond the power of this Court to grant. Mr. Haley may raise these policy proposals with the legislative and executive branches of the federal government, which possess the power to effectuate the reforms he advocates.

In light of the foregoing, the Court **GRANTS** the motions to dismiss of Commonwealth of Virginia, The Board of Education of Virginia, James S. Gilmore, 111, Mark L. Earley, Wilbert Bryant, Jo Lynne DeMary, The City of Chesapeake, The Chesapeake Public School System, Dr. Randolph Nichols, William Ward, Ronald S. Hallman, and John L. Pazour. As the same rationale applies to those named defendants yet to be properly served or make an appearance, including the United

States of America, Bill Clinton, Richard W. Riley, and Janet Reno, the Court **DISMISSES** those Defendants, as well. In light of dismissal, the Plaintiff's "Motion for Action" is rendered **MOOT.** The Court dispenses with oral argument because the facts and legal contentions are adequately presented in the materials before it and argument would not aid the decisional process, accordingly both motions by the Plaintiff for a hearing are **DENIED.**

The Petitioner is advised that he may appeal from this final order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within thirty (30) days from the date of this order.

The Clerk is REQUESTED to send a copy of this ORDER to the Petitioner, all counsel of record, and any named defendants yet to make an appearance.

It is so ORDERED

HENRY COKE MORGAN,JR.
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
October 9, 2000

BEST AVAI

MAIN PART OF THE SUIT SUBMITTED July 14, 2000

I William P Haley, file suit against the Public school system, run and financed by the defendants, for violation of the Fourteenth Amendment, Ninth Amendment and the First Amendment, incorporated to the states by the Fourteenth Amendment, of the Constitution of the United States of America.

The public education laws (Virginia Constitution Article VIII), (Virginia code 22.1), (Virginia code: Title 23- Educational Institutions), (Federal law: Elementary and secondary education act), (Chesapeake Charter chapter 10) and the administration of those laws greatly restricts and violates at least eight of our most coveted, deeply cherished, genuinely precious, and well established rights.

The eight infringements of the Federal Constitution

Right # 1. Free exercise of religion of the First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;

The term free exercise can be interpreted as

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'living' the religion, not just practicing rituals. Students can not live the religion in the secular public school system thus a violation of this right.

Right # 2. The right of people to establish a religion of the First Amendment

Establishing is building and strengthening the foundation for now and the future. Establishing is teaching, organizing, encouraging and evangelizing. The undue financial influence to not have children educated in a religions environment reduces the furthering of future establishments, thus a violation of this right.

Right # 3. The restriction of government from establishing a religion of the First Amendment

No choice is a choice and no religion is a religion. In 'School Dist., of Abington Twp. v schempp' the Supreme Court stated that the state may not establish a "religion of secularism" which would prefer those who believe in no religion over those who believe. The public school system clearly favors those whom believe in no religion thus a violation of this right.

Right # 4. The free association clause, of the First Amendment

It is the parents' right and religious responsibility to surround their children with people of the same faith and moral character. Parents are powerless in

this choice in the public schools, thus a violation of this right.

Right # 5. Fourteenth Amendment's equal protection clause and due process clause

The Fourteenth Amendment States in part that: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The government pays for the education of ninety percent of the eligible children to the exclusion of ten percent. This "uses state economic power to discourage citizens from exercising their constitutional rights."(Webster v. reproductive Health Services, 492 U.S. 490 (1989), thus a clear violation of this right.

Right # 6. Parents' fundamental right to raise their children, of the Fourteenth Amendment

The fact that many parents opt their children out of public schools, is proof that those parents do not agree with the environment in those schools. They disagree with those schools so much that they pay thousands of dollars to send them elsewhere. The public school system has control of raising children, not parents, for many hours a day, thus a clear violation of this right.

Right #7. The "freedom of choice"

concept, of the Ninth Amendment

The main objective of government spending hundreds of billions of tax payer money every year is to teach the children what they need to know to become productive members of society. There are many ways, methods, and environments in which to teach children all that is required to become productive citizens. Governments are willing to pay for only one way, thus forcing more parents to accept that way, thus a clear violation of this right.

Right # 8. Restrictions of government funding political teaching

There are well established rules and laws restricting governments from funding programs that influences the political outcome of elections, and they are violated by the public school system.

Right # 9. Federal Constitution First Amendment Free Speech clause, mainly view point discrimination. (Right #9 was a timely filed amendment)

Look at the page titled 'defendants' for a description on how every defendant participates in violating these rights. I am suing as a taxpaying citizen, as a parent of a child of eligible school age, as a student (years 1973-1989) and on behalf of my children.

I site 28 U.S.C. Section 1331 and section 1343(a(3)) as how the court has jurisdiction. This is a "Federal Question". I allege that I am personally

injured by the educational laws violating my Federal Constitutional rights by influencing my choice in regard to the environment and religious contents of the academic education of my children, thus giving me injury, thus standing and the court jurisdiction. I am challenging two points. First, that the public school system in and of itself violates all eights of the listed rights. Secondly, the three levels of government only provide a public benefit to those attending the public school system to the exclusion and discrimination of those who provide education to children outside of the public school system as is their constitutional right as stated in 'pierce'. An expanded explanation on Jurisdiction, standing and injury is on the page titled Jurisdiction, standing and injury. The public, taxpayer supplied, benefit is worth more then eighty thousand dollars over each child's educational life, thus the financial influence is massive. The public school takes over fourteen thousand hours over each child's educational life and over one half of a child's waking hours Monday thru Friday nine months a year. Thus the loss of control of the environment my child is in, what I can inculcate in them and moreover, what is inculcated in them that is contrary to my personal, political, spiritual, moral, Biblical and religious beliefs cause me, my wife, and my children to be irreparably harmed. Compare this voluminous set of violation to many cases bought though the Federal Court system: graduation prayer case which cost no money

and a couple of minutes at the end of a students educational life, prayer before a football game, less then ten minutes and no cost; moment of silence, three hour a year of being truly neutral and no cost; Bible reading, again no cost and little time.

The main interests government has in academic education is mandating everyone receives an academic education to certain levels and funding that academic education. I am not challenging these interests. However, I am challenging the stated laws which influences parents to send their children to public schools and the public school violating the stated rights. Please look at the page titled 'On the scales of justice'.

In 'Wisconsin v. Yoder', the Supreme Court stated "The Essence of all that has been said and written on the subject is that only those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion." I will show a system that can otherwise serve those interests of the highest order. A system that builds on a highly successful and proven system. Please Look at the page titled 'The Solution'.

The court gave many criteria and tests of constitutional law relating to the listed rights. When one tests the public school laws to those criteria, one can come to no other conclusion then egregious and irrefutable violations of the listed constitutional rights. Test the questioned laws in light of the

criteria stated in the opinion of the supreme court Mitchell v. Helms(98-1648) 2000: "In short, nothing in the Establishment clause requires the exclusion of pervasively sectarian schools from otherwise permissible aid programs, and other doctrines of this court bar it. This doctrine, born of bigotry, should be buried now." The "it" underlined refers to "the exclusion of pervasively sectarian schools", thus since the questioned laws (an aid program) excludes, among others, sectarian schools, it fails this constitutional test. Please look at the pages titled 'rights' and titled 'Case Studies' for more of my arguments in this case.

What I ask this court

1. I would like the public schools laws (Virginia constitution article VIII), (Virginia code 22.1), (Virginia code Title 23- Educational Institutions), (City of Chesapeake Charter chapter 10), (Federal: Elementary and secondary education act) declared unconstitutional and clear guidelines or tests of Constitutional law written to instruct states on how they may proceed in education.
(Motion Opposing Dismissa l:8-21-2000). I wrote in part, "*I simply ask the court to enjoin the entire educational system.*"
2. I seek to have the court issue an injunction forcing the defendants to conform theirs conduct to federal law(the questioned Amendments of the Constitution) and (the listed S.C. tests of constitutional law).

3. I ask for Summary Judgment. There are enough undisputable facts to warrant this action.
4. I ask for a Declaratory Judgments pursuant to 28 U.S.C. Section 2201.
5. I ask for a temporary injunction disallowing the defendants from implementing the laws in question.
6. I ask this court to expedite this case due to the fact these violations are occurring currently and are massive. I ask that all motion by the defendants and myself not delay deadlines without a judges ruling and that all hearing dates be put on the courts calender as soon as possible.
7. I ask this court to give me a chance to address any issue that is unclear or under explained. I am representing my self and would like ample leeway in being able to explain my points and clarify myself.

In an effort to stay brief ,I omitted many supporting supreme court opinions, newspapers articles, pages of books, Bible verses, downloaded Internet information, newsletters and other reinforcing information, all of which can be submitted for trial.

Sincerely,

William P Haley
3104 Hancock Dr.
Chesapeake, Va 23323
(757) 485-7480

This is part of the main suit submitted July 14,2000.

JURISDICTION, STANDING AND INJURY

The Supreme Court has stated that alleging injury was sufficient for standing, therefore, proving injury is for a trial. In 'Baker v. Carr' the Supreme Court stated: "The complaint's allegations of a denial of equal protection presented a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision." I allege this injury. The Federal rules of civil procedure state: Allegations must be taken as true on motion to dismiss.

I have been and currently am being injured by the public school laws:

A: As a child of eligible educational age (1973-1989). I was in the Public School System as a child, thus I was greatly affected by these unconstitutional laws in ways described in this suit.

B: As a parent of four children. My children's eligible school ages are Emily (1999-2012), Kelly (2000-2013), Katie (2002-2015) and Courtney (2002-2015). My wife and myself are currently home schooling our children to protect our First Amendment rights and thus losing out on a large financial public benefit in violation of our Fourteenth Amendment. This choice is a violation of both amendments.

C: As a member of a church that is being hampered in it's furthering and strengthening of it's establishment and missions. My church, like many

others, has ministries dealing with academic education. The undue financial burden caused by these unconstitutional laws limits the churches long held commitment on this issue and thus limits the church's establishment and scope.

D: As a Federal, state and city taxpayer. A great percent of my federal, state and city tax dollars are being unconstitutional spent on the unconstitutional Public School System, thus I am being financially injured.

Many of the major school/ Fourteenth Amendment/ Establishment Clause cases were brought by people only injured as taxpayers and not in a concrete way or as a participant of questioned programs. In Flast v. Cohen the supreme court stated, "The taxpayer-appellants here have standing consistent with Art. III to invoke federal judicial power since they have alleged that tax money is being spent in violation of a specific constitutional protection against the abuse of legislative power, i. e., the Establishment Clause of the First Amendment."

One main point of my case is that when a parent exercises their constitutional right to academically educate their children in the religious environment of their choice they lose a large public financial benefit given to parents who academically educate their children in the secular environment of the public school. This injury is an example of:

A. Influencing students enrollment decision:

As listed in U.S. v. Fordice. B. Coercion: As stated in Board v. Allen. C. Premium on non-belief: as stated in Schempp. D. An inhibition of religion: as stated in the second Lemon test. E. A right, which is not made available to all on equal terms: as in 'Brown v. Board. Throughout my suit (ex. Arguments 1C, 2C, 5A, 5B, 5C, 6A, 7A, 7B) I described how parents are influenced to send there children to public schools. Further examples of this coercion can be found in letters from parents demonstrating this point and I also as a parent claim this fact.

I officially asked the division superintendent of public schools to fund my child's education, which is outside of public education, and was denied, thus I have influence and injury.

Parents and children are both injured in this system. Statements by parents and children of voucher systems who gain a voucher is one of relief and joy in that while the negative influence is still there it has been reduced. Vouchers allows them to choose the school they wish. Upon the loss of the voucher program parents and children are discouraged and distressed because they know they can not afford to keep their children out of the public school system that did not work for them.

I opted to educate my child out of the public school system as is my right "pierce", thus the city, state or federal governments do not fund my children education. However, injury is not

determined on whether I choose a financial benefit loss or the loss of control of the environment in which my child is academically educated in. The injury is the coercion to educate my children in the public school system, thus leading to violations of the eight listed rights. As for the injury being mine, I am the parent of my children and obligated to make sure my children are educated, as in '<u>Yoder</u>'. Furthermore, my parents were coerced into sending me to public school. My parents were injured by the coercion and I was injured as the result of being academically educated in a secular environment against my parents desires. As a result, I learned very little about what Catholics believe and the Bible. Yes, I went to church and some Sunday school that lasted a mere two to three hours a week, compared to the thirty plus hours I would have spent in a Catholic environment learning my academics by reading the Bible and other books not void of any religiously related material, as in the public schools. (look at argument 1B, 1C, 2A, 2B, 2C, 4A).

Some would suggest the proper forum for my complaint is the state house. Every piece of legislation passed that would alleviate even the smallest portions of the discrimination has been bought to the federal court (look at the case studies). Because of this, the efforts in the state houses have been scaled back or has disappeared. Indeed, the Virginia legislature had a bill before it (HB 68) that does not even come to close to providing equal

public benefits, compared to the benefits of the public school, and this bill has lost in the past.

A study of how the plaintiff's in many of the major school/ Fourteenth Amendment/ Establishment Clause cases had standing shows many were brought by people only injured as taxpayers and not in a concrete way or as a participant of questioned programs. Moreover, in many of these cases, the participants of the questioned programs, are not the plaintiffs but rather they join in as defendants. This show that the bar of demonstrating injury is low. However, the injury I allege can overcome a bar set very high.

The supreme court stated, "an Unbroken line of precedents sustains the federal court's jurisdiction of the subject matter of federal constitutional claims of this nature." The case studies shows the Federal District Court taking cases dealing with state programs supported by state tax dollars, therefore, the Federal District Court has jurisdiction on any question of a state statute being in violation of the Federal Constitution.

The Court has heard many cases regarding educational policy, thus a clear precedent has been set on hearing a case such as this. One of the most recent is Harris v. Zelman, look at case study. I believe my case can overcome the highest standards for meeting jurisdiction, standing and injury, although the bar has been set low allowing for people of little and indirect injury to bring suit in

Federal district court on related issues.

Case Studies

HARRIS, et al v. ZELMAN, et al Case no: 1:99 CV 1740: This was a state program. The court described the plaintiffs as parents of public school children, teachers in public schools, pastors, taxpayers and a chairperson of a group. It is important to note that not one of the plaintiffs or their children were in enrolled in the voucher program in question thus had no direct injury. School District, v. Schempp: The court described the plaintiffs as the Schempps, who's school aged children who were injured by the reading of the Bible every morning even though they could opt out. My wife and I are mother and father of four girls. The fact that parents can opt out of public school does effect the constitutionality of the law. Lemon v. Kurtzman: The Federal District Court described the plaintiffs as citizens and taxpayers and did not state that anybody was injured by the law directly. Lemon, a parent of a child in the public schools system (the public schools were not being questioned in this case) was the lead plaintiff. The district court held that the individual plaintiffs appellants and not organizational plaintiffs had standing to challenge the Act. Aguilar v. Felton The court described the plaintiff as a city taxpayer Buger, C.J.: The program(Title I) has done so much good and little, if any, detectable harm. School District v. Ball : The Court described the plaintiff

as a taxpayer. Everson v. Board of Education: The court described the plaintiff as a taxpayer, challenging in Federal District court a State Statute. The court also points out that the record shows that there were no children in the district changing their school based on the questioned rules. The court stated, "...this case...is one of a taxpayer urging that he is being taxed for an unconstitutional purpose. I think he is entitled to have us consider the act as written." Baker v. Carr : In determining standing and jurisdiction the court ask the question: Have the appellants alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions? I William P Haley have a personal stake in the outcome. The court furthermore stated, "that the only justified reason for a district court to dismiss a case claiming a violation of the federal constitution is that the claim is unsubstantial and frivolous. My case is, of course, not frivolous nor unsubstantial. McCollum v. Board : Justice Jackson: A Federal Court may interfere with local school authorities only when they invade either a personal liberty or a property right protected by the Federal Constitution. Ordinarily this will come about in either of two ways: *Second.* Where a complainant is deprived of property by being taxed for unconstitutional purposes, such as directly or indirectly to support a

religious establishment. We can protect a taxpayer against such a levy."

Parents of 1,250,000 children applied for 40,000 scholarship given by Children's Scholarship fund. "Today parents are divided over creationism, sex education, school prayer, religious holidays and values education." "To refuse to let such potential suppliers compete with a government monopoly on a level playing field is not only wrong, it is senseless." "the fundamental responsibility for their(parents) children's education belongs to them, and not to politicians and bureaucrats or so-called experts. (Forstmann, W.S.J. 9-9-99)

"we have uncovered an alarming level of distress among low-income parents and a demand for a decent education for their children." "in many urban school districts a quarter to more than a third of the eligible children applied" 5-6-99 The San Francisco Chronicle by Joseph A. Califano Jr.

In Rosenberger the court stated, "the guarantee of neutrality is respected, not offended, when the government following neutral criteria and evenhanded policies, extends benefits to recipients whose ideologies and viewpoints, including religious one, are broad and diverse." The defendants extends benifits only to a system where all things religious are banned, thus I am injuried by the defendants violating this test of constitutional law.

APP 34

RIGHTS (part of main suit)

All of these rights intertwine with each other, thus the arguments also intertwine. The arguments will be put under the most relevant right, although most argument demonstrates violations in many of the other rights.

Right # 1. The right to the free exercise of religion of the First Amendment

The supreme court in 'Everson' stated,

"Accordingly, daily religious education commingled with secular is "religion" within the guaranty's comprehensive scope. So are religious training and teaching in whatever form. The word connotes the broadest content, determined not by the form or formality of the teaching or where it occurs, but by its essential nature, regardless of those details."

Argument 1A

There are many "moments" and "situations" in a child's life where a religious message needs to be taught. It is best in most instances, that the message is taught right then and right there, where a delay can teach something profound and weaken the message when or if it is taught. Many of those "moments" or "situations" occur during school hours, so it is vital for a parent who wants religious training for their child, not to place them in an environment where religious messages cannot be taught for thirty hours a week. The public school system weakens the children's faith and hampers parents' right to raise their children in their faith.

Parents sow spiritual seeds into their children and need living water and the light of God to grow strong in their faith and a strong biblical world view. Thirty hours a week in the dry darkness created by 'the wall of separation of church and state' that shadows every public school, weakens the spiritual growth of the children and thus hampers the free exercise and establishment of religion.

Many believe religion, faith, values, and prayers need to be taught throughout the whole day, every day. Also, many believe that all knowledge must be put into the context of biblical truth, and to present all academic subjects in the light of scriptures. Thus, having a religion-free environment for a large portion of a child's day prohibits the free exercise of religion. Government run schools cannot please all and should not try.

Argument 1B

The omission of religious background to many things taught in public schools teaches something profound and "short changes" the student's moral upbringing. Two of the thousands of examples are: 1. Do not steal and omitting that it is the eighth commandment. 2. Teaching family life education(Virginia code 22.1-207.1) and omitting all of the relative scriptures. In (Virginia code 22.1-208.01) character education is required and is supposed to be interwoven into the school procedures, environment and structure. Omitting where these morals come from confuse the child into

thinking, "my teacher whom I am to respect does not tell me about the ninth commandment when he tells me not to lie, I guess it is not important." This diminishes his parents' attempt to train him in their faith. To many, religion needs to be the basis for the good character that they interweave into the school's environment.

The Bible is the greatest history book ever written. Not only is it not used for history but it is almost unheard of in the history books in use in the public schools, thus diminishes the importance of God's word in the minds of children.

The Bible talks a lot about the great commission and the public school implements the great omission. A study of public school text books and readers shows a great bias by omitting relevant facts and critical information, which results in wrong impressions and fact. The first governing document "the Mayflower Compact" written on this land and which principals flowed in to the constitution are not taught in the public schools because of the religious overtone, whereas most private school do teach about the "the Mayflower Compact". Many public schools teach that all the signers of the Deceleration of Independence were all without a belief in God, whereas 27 had seminary degrees and other overwhelming evidence to the contrary. The public schools attempt to be religiously neutral (in reality 'religiously hostile') in education hampers and distorts real information from reaching the children.

Furthermore these gaps that are created by the removal of religious information is often filled with 'politically correct' information. The court while discussing Allen stated how authorities, in that case, were reviewing text book to see if they were "unsuitable for use in the public schools because of religious content."

Argument 1C

There is an optimum time a child should study. Having students learn to do book reports on the bible or other religious books can help a child learn religious values in the same time it would take him to learn the same secular lessons (book reports) in secular books. By the public schools excluding religious books, they are inhibiting the parents' efforts to teach their children in their faith. The time education happens are the peak learning hours of the day. The young impressionable age of children demands strong leadership and environment of the parents choosing.

In many sections of constitutional law is the idea that public schools may not inculcate religion because it would advance religion thus violate the First Amendment (ex: Agostine v Felton). If teaching religion or teaching in a religious environment, advances religion, then religion is inhibited, by not being able to be taught religion or be in a religious environment during their academic educational hours.

Argument 1D

The public school system allows for a minute of silence (code 22.1-203), and student initiated prayer (code 22.1-203.1) in order that they do not deny students their First Amendment rights. This is totally inadequate! A very easily influenced six year old needs strong religious leadership to learn and accept his parents' beliefs, whereas an influential teacher in the public school can easily, by omitting religion, teach that religion is not important. Teaching on subjects that religion has strong views on amplifies this effect.

Currently there are many cases in the court system in which parents and student are fighting for religious liberties, privacy, and others in the public schools. Some restrictions of religious liberties and repugnant polices are asinine, ludicrous, absurd, and unreasonable. There is a great disparity on the protection of our liberties and the mighty wall of 'the separation of church and state', in that there is a great wall 'protecting' us 'from' religion and very little protecting the 'of' religion.

Right # 2. The right of people to establish a religion of the First Amendment

Argument 2A

The word "inculcate" is defined: to impress by frequent admonitions; to teach and enforce by frequent repetitions; to urge on the mind. Our Savior inculcates on his followers humility and forgiveness of injuries.

This is a very strong word and very relevant to

this case. Parents have a constitutional right and a religious responsibility, to inculcate their children in their faith. A law or set of laws, and the administration of those laws, that compels parents to send their children to an environment, for thirty hours a week, where they cannot inculcate their children in their faith inhibits the overall inculcation of that child into a strong religious faith. Furthermore, the environment in the public schools inculcates young impressionable students in 'secularism' by omitting religion.

Some would argue that everyone should learn in a neutral environment either learning none of the religions or learning all of them. Teachers may be able to teach all religions but religions are to be lived and teachers can not live them all. This is not acceptable to parents of faith. They clearly want their children to learn and live their own religion and at appropriate ages learn other religions while still living their own.

The public school teaches on subjects about which religion has strong views. The effect of teaching evolution and a evolutionary world view opposed to creation and a biblical world view, as fact, to an influential student, could be, to turn them away from religion, thus the state has influence on the establishment of religion.

Argument 2B

Religious organizations have tried to have religious classes after public school but quickly

found out the extra burden on children was turning them away from religion and started instilling in them that religion was not acceptable since it was not part of the establishment. The catholic church established a school system to continue their establishment of religion. The puritans taught their children in their faith to continue their faith. Every religion urges their followers to academically educate their children in the environment of the faith to firm up the foundation of their religion for future generations. Losing a huge financial benefit when you decide to academically educate your children in the environment of their faith causes less of that activity thus weaker establishments thus a violation of the First Amendment.

When the Catholic church spends money collected from their members as a tithe to academically educate the Catholic children in a Catholic environment the state receives the benefit of having academically educated children without investing any money in them. This also takes much needed church funds needed to fulfill their missions, which are mostly ministering to the poor and needy, which help out government run social services considerably.

Justice Jackson, in Everson stated: "I should not be surprised if any Catholic would deny that the parochial school is a vital, if not the most vital, part of the Roman Catholic Church. If put to the choice, that venerable institution, I should expect, would

forego its whole service for mature persons before it would give up education of the young, and it would be a wise choice. Its growth and cohesion, discipline and loyalty, spring from its schools. Catholic education is the rock on which the whole structure rests, ..." This describes establishment. The heavy influence and monopolistic powers of the state to have children attend public schools, and ninety percent do, many begrudgingly, does not allow the church to have furthering establishment spring from its schools, thus a violation of this right.

Argument 2C

It is evident that the program, (the public school system) has lowered the percentage of children academically educated in the religious environment of their parents choice. If for not the states establishing public schools, and funding only those schools, many more parents would send their children to a school in which religion is encouraged and practiced during their studies of all the subjects, secular and religious. In the current state of public schools many parents educate their children in a "religion of secularism" because it is free and private schools are very expensive. If the government stopped funding public schools, parents would be forced to pay for their child's education, and many more would be academically educated in a religious environment, concluding that the norm, without public school laws, is a much higher participation in religiously based schools. Also concluding that the

public school laws inhibit the participation in religiously based schools. Evidence of this can be found in the experiments of school choice, voucher and scholarship programs around the country. These programs fill up and have long waiting lists. Many of these only fund at a fraction of the per student expenditure of the local public schools. A high percentage of parents who gain economic control of their children's education choose religiously based schools.

Right # 3. The restriction of government from establishing a religion of the First Amendment

Argument 3A

In United State v. Seeger (1965) and reaffirmed by Gillette v. United State the supreme court expanded the limits of the definition of 'religion', to include moral and philosophical positions. There are many 'religions' that do not require a belief in God. These include 'Secular humanism', 'Buddhism' 'Taoism' and 'Ethical Culture'. The traditional meaning of religion makes it very difficult and undesirable to educate without touching on religion, and the widening of the definition of religion makes it impossible to educate without mixing religion.

Argument 3B

Constitutional law #978 in (SHERBERT v VERNER) states that "government may not compel affirmation of repugnant beliefs, penalize or discriminate against individuals or groups because

they hold religious views abhorrent to the authorities, or employ the taxing power to inhibit the dissemination of particular religious views." The public school laws have the effect of penalizing and discriminating against those who want their children academically educated in the environment of their faith. Also they have employed the taxing power with the effect of, parents who privately educated their children having to pay for public education though taxes then paying for private education out of their own pockets.

Right # 4. The free association clause, of the First Amendment

"Freedom of association...plainly presupposes a freedom not to associate", Boys Scouts v. Dale.

Argument 4A

There is no question on the fact that teachers are very influential in a student's life. The First Amendment has a "freedom of association" clause, which is violated by public school laws. Parents have little if any choice on whom their child attends class with or the child's teacher. Other students and the teacher can be a heavy influence on an impressionable young child. Parents have a constitutional right and a religious responsibility, to surround their children with people of the same faith and those, which will encourage them in their faith.

In Constitutional Law #975 (Gilmore v Montgomery) states, "the freedom to associate applies to the beliefs people share and to those

people consider reprehensible." Public school laws do not allow parents to choose whom their child will be associated with for thirty hours a week. Moreover, might place someone a parent would find reprehensible in a very influential position over a child.

Argument 4B

Government administering education has the effect of having a broader range of tolerance of repugnant teachers and student in public schools. Private schools should have a broad right to discriminate in the hiring / accepting and firing / expelling of teachers and students on the basis of values, viewpoint, and religious faith, as to fulfill their obligations and commitments to the parents in whom they entrust their children. This is supported by Boy Scouts v. Dale(99-699), 2000 the court wrote of the First Amendment right of expressive association. "a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends." The court also stated, "Impediments to the exercise of one's right to choose one's associates can violate the right of association protected by the First Amendment." Clearly there is influence to attend the public school, thus also the influence not to attend the school of the parents choice is in impediment to choose one's associates.

Right # 5. The Fourteenth Amendment's equal protection clause and due process clause

Argument 5A

The public school laws mandate that public schools are fully funded,(article VIII section one), whereas it forbids government funding of private schools, (article VIII section ten). Since parents send their children to private schools, they are not getting equal funding, thus not equal protection, thus a violation of the Federal Constitution. The current system restricts rights and causes great distress. There are ways to achieve the states interest of academically educating children without inhibiting rights. It is incumbent upon government to implement programs in such a way as to minimize if not eliminate restrictions on constitutional rights.

The public school system has the effect of parents having to choose between religious liberty and a large financial benefit. When a parent decides where and how best to academically educate their children, all things are not equal. The government will pay for one option totally and all other options not at all.

If a parent decides to academically educate their child outside the public school system, they and their children pay for education twice. Their taxes pay for other children's academic education and they have to pay one hundred percent of their child's academic education because no tax money pays for their child's education.

Argument 5B

Another way to look at this case. If a state had a

law that gave $6,000 to anyone who would disavow their religion, there would be little doubt that the law would be quickly declared unconstitutional. Moreover, if a state had a law that gave $6,000 to anyone who would not teach or practice their religion to or with their children, they would also quickly declare that law unconstitutional. Why, then is the state giving a $6,000 benefit to only those parents who are willing to let their children be taught their reading, writing, and arithmetic in a environment where they can not teach or practice their religion to or with their children? If it is unconstitutional to give a public benefit to only those parents who do not give their children any religious teaching at all, then it would also be unconstitutional to give a public benefit to only those parents who do not give religious instruction for thirty hours a week.

I would like to describe other public benefits if the discrimination in the public school system were applied to them: First: welfare, food stamps, W.I.C: The only people allowed to receive aid would be those, who do not Tithe, have religious symbols, inculcate religion, spend money on any religious material, because the funds of these programs might take over a substantial portion of their responsibility, thus allowing for these religious materials to be bought(as in Ball). Second, roads: Anyone who wants to travel to any religious site or travel in a vehicle with a religious environment would have to build their own roads. Third, public housing: All

houses would have to be free from any religious activity, or religious material, as not to have religion advanced on publicly owned land and buildings. All of these examples show a hostility towards religion and is indistinguishable from the public school restrictions, in the relevant criteria.

Argument 5C

In July, August, and September parents of about 52,000,000 children around this country decided where to send their children for an education. Many did not have the money to consider a private school, others did not have a strong religious determination to concern themselves with, others had plenty of money to pay for their right to send them to a school of their choice, and others were torn between a strong religious determination to educated their children in their chosen religious environment, and money, and many made huge financial sacrifices to exercise their rights. Throughout America it is roughly estimated that $300 - $400 billion dollars are spent on public education, which takes about $4,000- $6,000 per household every year in taxes.

Many neighbors making the same salaries and the same number of children of school age are getting different public benefits. Suppose there are two families each making $30,000 per year and each with four children. One puts their children in a public school and lives off the entire $30,000 minus taxes. The other puts them in a private school that charges the same amount as the per child's expenditure at the

local public school, ($6,000), and lives off the remaining $6,000 minus the tax on $30,000. If government only funds public schools which teach in a secular way, government does not show neutrality, but hostility towards religious schools.

Right # 6. The parents' fundamental right to raise their children, of the Fourteenth Amendment

Argument 6A

In the case Troxel v. Granville Justice O'Connor wrote, calling parental rights "perhaps the oldest of the fundamental liberty interests recognized by this court,". Four justices stated, "it cannot now be doubted that the due process clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody and control of their children." They further stated that the constitution "does not permit a state to infringe on the fundamental right of parents to make child-rearing decisions simply because a state judge believes a 'better' decision could be made." Education is a child-rearing decision, and parents need to recover this right.

Some parents' faith and determination to educate their children in their faith, do not reach the level of paying thousands of dollars for each child, every year when public schools are free, thus influencing parents to educate their children outside their faith. This inhibits the parents right have their children in the religious environment they wish.

Right #7. The "freedom of choice" concept, of the

APP 49

Ninth Amendment

Argument 7A

Freedom is the hallmark of the U.S.A., yet, with the questioned laws, government destroys the freedom of parents to be unhampered in the choice, style, method or environment their children are educated in.

Outside and inside the religious aspects, some people exercise their "freedom of choice" to have their children taught in the methods they think are best for their child. This come at a heavy price. There are thousands of debatable issues related to schools. They range from, what curriculums to use, hours of school, how many days a year and what days those are, class size, new math or old math or many other methods of math, phonics or whole language or other reading methods, how much to concentrate on one area of study or another, how fast to progress and how far to progress them, and many more decision. The public school decides one way for each issue, thus limiting the free choices to one. The state or the private sector has no obligation to satisfy each set of parents' personal decision on each of these issues but a system of fair competition with private schools would allow parents to choose a school which best matches their decisions and give a truly free "freedom of choice."

Argument 7B

The public school teaches on many more subjects then the three R's. It is reasonable to understand the need for a well balanced and complete education,

however its the sole job of the parents to decided what courses, and programs make up that complete education and what environment that the education is conducted in. When teaching, many moral issues emerge and it is important to parents that a school and teachers are going to teach though that issue from the correct view point, values and religious background, as to stay consistant with the parents overall inculcation.

Right # 8. The restrictions of government funding political teaching

Argument 8A

An additional point to weight my claims on the scales of justice is, the well established rules and laws restricting governments from funding programs that influences the political outcome of elections. History, economics, government, and other classes are taught from kindergarten- 12th, and in colleges. Some teachers and professors are obvious about their political stands and others are more subtle. Their teaching influences the way their students understands concepts, thus biases the student's political viewpoint. An example of this is when a teacher teaches a class that a Republican, President Reagan caused the rising budget deficits and thus influencing a person to vote for the Democrat. These teachers are payed for by the state and have tenure, thus are not being affected by market forces and competition. Teachers and professors affect the way students will vote, thus they must be made

accountable to market forces, competition, not payed directly by the state and parents should not be compelled to sent their children to any certain school or teacher.

ON THE SCALES OF JUSTICE (part of main suit)

The scales of justice has two sides. On one side we have the Federal Constitution heavily violated in at least eight separate ways. On the other side we have just the administration of education.

The main interests government has in academic education is mandating everyone receives an academic education to certain levels and funding that academic education.

The method the government uses to ensure their investment is administrating the academic education. The government administrating education is the main cause of the violations. The parents, not the government should be in charge of the "how", "what", "when", "who" and "where" of their children's academic education.

The "Pierce v. Society of Sisters" case and many other school establishment cases have consistently listed the states interests as 'universal education' and providing for it. The separate interest of the government administrating education is never mentioned as a heavy interest and there is arguably little to no interest government has in administrating education. Weighing my side is also the equally heavy weight of funding one hundred percent of the children's education opposed to the current roughly ninety percent.

Public school law regulates private and home schools to the extent that their interests of having an educated child are fulfilled, yet, pays for only those

children's education in which they control, thus the criteria for the public benefit is not whether or not one receives an academic education but whether or not the government will control the political, social, economic, educational, religious, and cultural ends." Boy Scouts v. Dale, of a chid. There is no constitutional reason or state's interest for the defendants to deny a public benefit to those whom are fulfilling the states interests of academic education. "To put the point differently, if the government, seeking to further some legitimate secular purpose, offers aid on the same terms, without regard to religion, to all who adequately further that purpose, then it is fair to say that any aid going to a religious recipient only has the effect of furthering that secular purpose." Mitchell v. Helms, Therefor the public benefit can only be said to be used to impermissibly deny, in violation of the listed rights, the religious, or lack there of, environment, the associations and other parental choices listed as rights.

Lessening the weight of the public schools' side is the failure of it in far too many children lives. Simply search web sites such as www.Scholarshipfund.org or Center for Education Reform at www.edreform.com to view statistics of the level of dissatisfaction the public has with the public schools. Also there is ample evidence that parents will choose private schools, secular and religious, once the cost is not prohibitive.

APP 54

CASE STUDIES (part of main suit)

In the review of the following cases I will assume as an undisputed material fact that parents are influenced to send their children to public schools rather then other educational options(Look at argument 5A, 5B, and 5C). Also consider the fact that the public schools are run in a persuasively secular environment void of 'all things religious.' In Santa Fe independent School District V. Doe (99-62) 168 F.3d 806 (2000) Chief Justice Rehnquist wrote (Scalia and Thomas joins) The tone of the opinion; it Bristles with hostility to all things religious in public life. In McCollum v. Board of Education of School District, 333 U.S. 203 (1948), Justice Jackson wrote also on the subject of omitting 'everything religious' from a child's education. This gives strength to many of my arguments in my suit and shows a definite inhibition of the establishment of religion, the free exercise of religion and children's personal spiritual relationships, therefore, a violation of the Federal Constitution. He wrote: "I think it remains to be demonstrated whether it is possible, even if desirable, to comply with such demands as plaintiff's completely to isolate and cast out of secular education all that some people may reasonably regard as religious instruction.... But it would not seem practical to teach either practice or appreciation of the arts if we are to forbid exposure [p*236] of youth to any religious influences. Music without sacred music, architecture minus the

cathedral, or painting without the scriptural themes would be eccentric and incomplete, even from a secular point of view. Yet the inspirational appeal of religion in these guises is often stronger than in forthright sermon. Even such a "science" as biology raises the issue between evolution and creation as an explanation of our presence on this planet. Certainly a course in English literature that omitted the Bible and other powerful uses of our mother tongue for religious ends would be pretty barren. And I should suppose it is a proper, if not an indispensable, part of preparation for a worldly life to know the roles that religion and religions have played in the tragic story of mankind. The fact is that, for good or for ill, nearly everything in our culture worth transmitting, everything which gives meaning to life, is saturated with religious influences, derived from paganism, Judaism, Christianity -- both Catholic and Protestant -- and other faiths accepted by a large part of the world's peoples. One can hardly respect a system of education that would leave the student wholly ignorant of the currents of religious thought that move the world society for a part in which he is being prepared." Justice Frankfurter wrote on the public schools inhibiting religion. He wrote, "Laboring under financial difficulties and exercising only persuasive authority, various denominations felt handicapped in their task of religious education." It was urged that, by appearing to make

religion a "one day a week" matter, the [p*222] Sunday school, which acquired national acceptance, tended to relegate the child's religious education, and thereby his religion, to a minor role not unlike the enforced piano lesson..... the public school unduly monopolized the child's time" The parts I underlined clearly show a violation of the constitution by violating many of criteria set by the supreme court relating to the questioned rights.

Case:(HARRIS, et al v. ZELMAN, et al Case no: 1:99 CV 1740) in the U.S. District Court Northern District of Ohio Eastern Division. The Judge made it very clear in his decision that the voucher program was unconstitutional because "parents in the program could not make a genuine, independent choice of what school to attend." It is profound to note, that the record does not show any parents or students claiming that injury. The public school system does not allow a genuine, independent choice of what school to attend, thus violates this Constitutional law. In (Harris) the Judge distinguished between characteristics which make a program constitutional or not. One is "made available generally without regard to the sectarian, nonsectarian or public, nonpublic nature of the institutions benefitted." The public school fails this characteristic, thus violates constitutional law.

Case: Pierce v. Society of Sisters, 268 U.S. 510(1925)(USSC+): "The fundamental theory of

liberty upon which all governments of this Union rests excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only." The state cannot use state economic power to discourage citizen from exercising their constitutional rights, as many Justices noted in (Webster v. reproductive...) Current educational laws heavily influences parents to send their children to public schools thus violating this constitutional law. The court has held that compulsory schools laws are constitutional but compulsory public school laws are not constitutional. Losing the public benefit by opting out of public schools and having to pay for private schools shows that the choice to exercise your right to opt out of public school becomes expensive and thus not free.

Case: School District of Abington Township, Pennsylvania v. Schempp, 374 U.S. 203 (1963)(USSC+) Court: It is true that religion has been closely identified with our history and government. As we said in Engel v. Vitale, 370 U.S. 421, 434 (1962). The history of man is inseparable from the history of religion.(see Argument 1B) In my judgment, the First Amendment forbids the State to inhibit that freedom of choice by diminishing the attractiveness of either alternative -- The choice between these very different forms of education is one very much like the choice of whether or not to

worship -- which our Constitution leaves to the individual parent. It is no proper function of the state or local government to influence or restrict that election. The lesson of history -- drawn more from the experiences of other countries than from our own -- is that a system of free public education forfeits its unique contribution to the growth of democratic citizenship when that choice ceases to be freely available to each parent. The parts I underlined clearly show a violation of the constitution by violating many of criteria set by the supreme court relating to the questioned rights. The large amount of money to run the public school system creates a very large tax burden on parents. The hundreds of billions of dollars spent on education across America causes a tax burden of thousands on every household. This money if the government did not take it for education could be used for academic education by the parents. Evident by school choice experiments, most would academically educate children in a religious environment.

Case: Lemon v. Kurtzman, 403 U.S. 602 (1971)(USSC+) The court found that private school's concern for religious values does not necessarily affect the content of secular subjects. (This confirms my claim that secular academics are separate issues from the environment in which they are taught. The governments only concern should be the academics and should be forbidden from

influencing the environment). It also found that parochial school system was "An integral part of the religious mission of the church." Therefore if parents are influenced not to send their child to integral part of a church mission then it violates constitutional law. (Look at argument 5A) The court in the second lemon test: "A programs principal or primary effect must be one that neither advances nor inhibits religion." The baseline that needs to be considered when determinating whether an advancement or a inhibition has occurred due to public school laws, is the baseline with out the public school laws. Since there is nowhere where public schools do not exist one has to look at history, the ten percent of parents currently opting out and the great number of people who can not afford to opt out, getting out when the financial burden is reduced and then going into church related schools in high percentages. The facts stated in many major voucher cases that a high majority (90+%) of students, who now can afford to opt out of public schools, go to church related schools show that parents do not want their children academically educated in a secular environment.. One can not come to any other conclusion but that religion is being inhibited, thus a violation of the law. Justice Douglas and Justice Brennan stated "secular education in a parochial school was an integral part of religious instruction and was inextricably intertwined with the schools' religious mission."

Not being able to participate in a school, which intertwines religion into the secular education and being compelled to attend a school, which has a void of religion, inhibits religion and thus violates the First Amendment.

Case: Aguilar v. Felton 473 U.S. 402 (1984) The subject of public employees teaching secular subjects in private religious schools is revealing on certain points. First the court pointed out that all religious symbols would have to be taken out of Title I classrooms not to advance religion and that all teachers paid by the government would be forbidden from bring up any religious matters. They said because of these facts and others that it would have an excessive entanglement. Arguments 1A, 1B, 1C, and 3A in my suit shows how this being done in public schools violates the Constitution. These restrictions in the public school diminishes the validity, importance and scope of religion. Court: The constitutional principles: that neither the state nor Federal Government shall promote or hinder a particular faith or faith generally though the advancement of benefits or though the excessive entanglement of church and state in the administration of those benefits. The Federal, State and local governments hinders faith generally though advancements of benefits, of the public school system.

Case: School District v. Ball, U.S.

373(1985)(USSC+) The court has stated that since government pays for education then it becomes a right of every citizen, and an obligation of the state. The state takes over a substantial portion of the responsibility of a religiously based school, which is the teaching of academics. This has the impermissible effect of reducing the participation in religious education and activities. In many establishment cases the court describes the purpose of church relates schools. In this case they site many goals listed in parochial schools. They are "God-oriented environment", "Christian atmosphere", "the word of God be all-pervading force in the educational program.": Parents desire this and shows it by paying thousands of dollars a year per child to enroll. To be influenced, not to participate in these schools is a violation of the right of parents to raise their children.

Case: Everson v. Board of Education of the Township of Ewing, 330 U.S. 1 (1947(USSC+) Justice Black in 1947 handed down a opinion on the meaning of the establishment clause that stands the test of time. Black: "The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church." Local, State, and Federal Governments sets up the religion of "Secular humanism" and contributes huge amounts of dollars to support this religion. "Neither can pass laws

which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion." There is great influence to go to the "Secular humanism" public school system and to remain away from the religious(church) school, by allowing a public benefit to one and not the other. "No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance." Parents who have their children attend religious(church) schools are punished by losing a large public benefit. "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion..." Huge taxes are levied to support the "Secular humanism" public school system which creates new forms of teaching, and practicing whatever any activist is successful in propagating. "In the words of Jefferson, the clause against establishment of religion by law was intended to erect"a wall of separation between church and state..." In many groups of peoples, quest to keep any thing religious (except for Secular humanism) out of public schools, they have greatly inhibited the freedom OF religion. "On the other hand, other language of the amendment commands that New

Jersey cannot hamper its citizens in the free exercise of their own religion. Their is sufficient and voluminous evidence that the public school system across America hampers the free exercise of children's religion. Not being able to inculcate their children in their religion for thirty plus hours a week is tremendously hampering the free exercise of religion. " Consequently it cannot exclude individual Catholics, Lutherans, Muhammadans, Baptists, Jews, Methodists, Non-believers, Presbyterians, or the members of any other faith, because of their faith, or lack of it, from receiving the benefits of welfare legislation. The State excludes all individuals because of their decisions to academically educate their children in a environment of their faith, from receiving the public benefit.

The court also set the principle that, "state benefits provided to all citizens without regard to religion are constitutional." State benefits are denied to citizen whom academically educate in the environment of their religion.

Case: Board of Education v. Allen, 392 U.S. 236(1968)(USSC+) Court: " Since appellants have not shown that the law coerces them in any way in the practice of religion, there is no violation of the Free Exercise Clause" I have shown how the law coerces children in the practice of religion, thus there is a violation of the Free Exercise Clause. The court:

The test for the Establishment Clause is: "what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition of religion, then the enactment exceeds the scope of the Establishment Clause..." The public school laws has the primary effect of inhibiting religion. The court ask the question: Have the appellants alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions? YES, the stake is the control of my children. I want my children to ovoid many of the issues in the public school system and I want to inculcate them in the way I want them to live.

Case: Agostini v. Felton, 117 S.Ct 1997, 138 L.ED.2d 391 (1997) This court upheld the lemon test with one change. That being, the entanglement had to be looked at as an effect rather than just contact and interaction. The Supreme Court stated that a state program would violate the First Amendment of the federal constitution if it defined aid recipients by reference to religion so as to give the recipients any incentive to modify their religious beliefs or practices in order to obtain services. It is well established that a great percentage of those not participating in this massive program, do not because of religious reasons, and the program, which takes thirty hours a week, states they do not teach in a religious

environment or have any references to religion, thus the recipient group is those who want their children educated in a secular environment, and those who do not want them taught in a secular environment but cannot afford a private school. Recipients absolutely have a large financial incentive to modify their religious believes and practices in order to obtain services. The defendants in this case define the recipients by the religious environment and not the compliance of the secular goals they state as being their interests.

Case: United States v Fordice, 505 U.S. 717(1992) The court's test for a violation of the 14th Amendment: "influencing students enrollment decision..." The state is influencing enrollment decisions by paying for education only in the environment of the public school system, thus a violation of the 14th Amendment.

Case: Brown v. Board of Education, 347 U.S. 483 (1954)(USSC+) The court stated that, "Where a state has undertaken to provide an opportunity for an education in its public schools, such an opportunity is a right which must be made available to all on equal terms." Such an opportunity is not made available to all on equal terms. The court stated, "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that

may affect their hearts and minds in a way unlikely ever to be undone."..... "The impact is greater when it has the sanction of law," To pay for the academic education, when done in one type of environment and not others, of children of similar age and qualifications solely because of their religion generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The impact is greater when it has the sanction of law. This has a profound impact on the furthering and strengthening of ones spiritual relationship and a churches establishment.

Mitchell v. Helms (98-1648) 2000 " In modifying the lemon test- which asked whether a statute...(2) has a primary effect of advancing or inhibiting religion,..." My aurguments thoughout my suit clearly shows it does inhibit. "The court has consistently turned to the neutrality principle, upholding aid that is offered to a broad range of groups or persons without regard to their religion." The court asks "whether the criteria for allocating the aid create a financial incentive to undertake religious indoctrination, id., at 231. Such an incentive is not present where the aid is allocated on the basis of neutral, secular criteria that neither favor nor disfavor religion, and is made available to both religious and secular beneficiaries on a nondiscriminatory basis." The criteria does create a financial incentive not to undertake religious

indoctrination. The aid is allocated, not on the criteria of secular academic education, but rather on the control of the religious environment, or lack there of, of a school, thus a violation of this principal. The court further stated, "To put the point differently, if the government, seeking to further some legitimate secular purpose, offers aid on the same terms, without regard to religion, to all who adequately further that purpose, then it is fair to say that any aid going to a religious recipient only has the effect of furthering that secular purpose." Non-public schools (many in a religious envroment), adequately further the secular purpose of academic education without recieving aid on the same terms, thus a violation of this principal. The court when testig aid programs stated, "we have viewed as significant whether the "private choices of indivual parents," as opposed to the "unmediated" will of government, determmine what schools ultimatly benefit from the government aid, and how much." In the public schools parents have no choices as to which school will benefit from the government aid. However, aid going outside the public school system is forbidden. The court while discussing Allen stated how authorities, in that case, were reviewing text book to see if they were "unsuitable for use in the public schools because of religious content." The voiding of all things religious affects children spirituality thus violates the constitution. The court stated, "One of the dissent's

factors deserves special mention: whether a school that receives aid (or whose students receive aid) is pervasively sectarian. The dissent is correct that there was a period when this factor mattered, particularly if the pervasively sectarian school was a primary or secondary school. But that time is one that the court should regret, and is thankfully long past." This factor, among others, is in place in the questioned laws and the court should not waste any time ridding the citizen of this country from these monopolistic, controlling, discriminating and subjugating laws.